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Assembly California Legislature



GLORIA NEGRETE McLEOD
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AND SOCIAL SECURITY

*Gloria Negrete-
McLeod
06-1-6*

January 27, 2006

Dr. Robert F. Sawyer
Chairman, California Air Resources Board
1101 I Street
P.O. Box 2815
Sacramento, CA 95812

RE: Memorandum of Understanding (MOU) between the Air Resources Board (CARB), Burlington Northern and Santa Fe (BNSF) Railway Company and the Union Pacific (UP) Company.

Dear Chairman Sawyer:

This is the second time I write to you regarding the MOU between the Air Resources Board, and the BNSF and UP railways.

I remain concerned that critical issues relating to this MOU are still outstanding and are still in need of resolution. Stakeholders still lack answers and clarification on critical issues including idling reductions, emissions controls, rail yard risk assessments, and even the basic enforceability of this agreement. These questions persist despite the CARB releasing its "Status Report on the Implementation of the 2005 ARB/Railroad Statewide Agreement" document on the 13th of this month.

As comment on this MOU is unfortunately limited at this hearing, I will simply focus on what I have previously communicated in writing, and in testimony at your October 27th meeting in El Monte.

Your "Clarification of the Release" attachment to the January 13th report attempts to elucidate the railroad release language, and I commend the Board for addressing this particular concern. Unfortunately, it does not address the other problem that many have with this portion of the MOU. Myself, and countless others are troubled that the release clause is so easily triggered. It is easy to imagine that the CARB, a local air district, the United States Environmental Protection Agency, the State Legislature, or the Governor might enact or modify a regulation, mechanism, requirement, ordinance or statute that would trigger a release from this agreement.

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Speaking from five years of experience in the State Legislature, I can all but guarantee that a release will be triggered sooner, rather than later. For this reason, and for those referenced above, this MOU needs more deliberation and consensus.

I ask that you to withhold approval of this agreement until these outstanding issues are resolved through continued community outreach, public debate, and mutual concession and agreement.

Thank you for your consideration.

Respectfully,

A handwritten signature in cursive script that reads "Gloria Negrete McLeod". The ink is dark and the handwriting is fluid.

Gloria Negrete McLeod
61st Assembly District